761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: November 4, 2011
FILE NO:

OFFICE CORRESPONDENCE

FROM: JOSEPH S. HARTSHORNE, COMMANDER
OFFICE OF THE UNDERSHERIFF

TO: JOSEPH B. NUNEZ, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2280365
Incident:	Hit Shooting
Incident Date:	January 8, 2011
Unit:	Century Station / FOR II
Suspect:	Derrick Abernathy MB/20
Involved Employees:	Sergeant Carlos Parga #[redacted]
EFRC Date:	October 4, 2011

On October 4, 20111, the Executive Force Review Committee consisting of Commander Joseph Hartshorne, Commander Michael Rothans, and Commander Anthony La Berge met and reviewed the above case. The applicable policies that were evaluated were: MPP 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

FINDINGS:

The Committee determined that the force used by Sergeant Parga was reasonable, necessary, and in compliance with Department Policy. The Committee also determined that the tactics used by Sergeant Parga were sound and within reasonable.

RECOMMENDATIONS:

The Committee recommended that the unit commander continue to brief the tactical aspects of this incident to unit personnel.

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#SH 2280365

Los A[illegible]eles County Sheriff's Dep[illegible]tment

Officer Involved Shooting

Report Date: 01/08/11	Bureau/Station/Facility: FOR II/Century Station	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 011-00402-2199-013	Date: 01/08/11 Time: 0047 Hours
City or Station: Century Station	Nature of Incident: Sergeants Gallegos and Parga heard gunshots. Suspect got into vehicle and went W/B 82nd. Street to N/B Wadsworth Ave. Sergeants conducted traffic stop. Suspect got out of vehicle with gun in hand and ran into alley. Suspect turned toward Sergeant Parga with gun in hand and Sergeant Parga shot suspect.
Location: 8000 Block Wadsworth Avenue Los Angeles	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, **Street** (circled), Other: ____

Lighting (*circle only one*): Darkness, Daylight, Other, **Street Lights** (circled)

Weather (*circle only one*): **Clear** (circled), Cloudy, Fog, Rain

Distance: 35-40 Feet

Incident Type (*circle one or more*): Accidental, **Armed Person** (circled), Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ____

Initiated by (*circle only one*): Arrest Warrant, Call, **Observation** (circled), One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol** (circled)

Aero Unit? ☐ Canine Unit? ☐

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
3 Shots	None

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Gallegos	Clarence	G	**EM** (circled) PM Day	**Regular** (circled) Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	
Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	
Last Name		First Name			M.I.
Street Address	City	Zip Code	Work Ph	Home Ph	

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*)
[redacted]	Parga	Carlos		**On Duty** (circled), **Present during shooting** (circled), **Witness to shooting** (circled), **Involved in shooting** (circled)
[redacted]	Gallegos	Clarence		**On Duty** (circled), **Present during shooting** (circled), **Witness to shooting** (circled), Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	[redacted]	[redacted]	[redacted]

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Clay	Victor	A

PSTD Use Only
SH # 2280365

Officer Involved Shooting

URN: 011-00402-2199-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
01/08/11	0230	07-22-11	

Employee #	Last Name	First Name	M.I
[redacted]	Fredericks	Stefenie	R
[redacted]	Rossi	John	E
[redacted]	Graham	Scott	A

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S1	E1	UC					NN	
S1	E1	FH	CO	45			NN	
E1	S1	FH	BR	9	Y	Y	GS	HE

Officer Involved Shooting
Involved Employee Information

URN: 011-00402-2199-013

Involved Employee

E 1

Employee # [redacted]	Last Name: Parga	First Name: Carlos	M.I. L
Sex: M Race: H	Rank: Sergeant	Unit Assignment: Century Station	Work Assignment (Unit #, Module, etc.): 212S
ShiftTime (*circle only one*): (EM) PM Day	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used: N/A
Hospital Admission? ☐	Hospital Name: N/A	Coroner Case? ☐	Coroner Case #: N/A — Interviewed? ☒
Hrs of sleep prior to shooting: [redacted]	Du[redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 6'-0" Weight: 228			
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? ☒ Number of Prior Shootings: 4 Directed Force: [redacted]
Weapons Fired Brand: Beretta Caliber: 9 MM # Shots: 3		Weapons Fired Brand: Caliber: # Shots:	
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand: Caliber # Shots		Weapons Fired Brand: Caliber # Shots	
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # — Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height: Weight:			
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings: Directed Force: ☐
Weapons Fired Brand: Caliber # Shots		Weapons Fired Brand: Caliber # Shots	
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 011-00402-2199-013

Suspect Information

S 1

Last Name: Abernathy	First Name: Derrick	M.I.
AKA Last Name: Finney	First Name: Derrick	M.I.: D
Sex: M Race: B	Street Address: [redacted] City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted] Social Security #: [redacted]	Driver's License #: [redacted]
Age: 20 D.O.B. 10/22/90	Height: 5-07 Weight: 155 FBI #: [redacted]	CII #: [redacted]
Booking #: N/A	Primary Charge: N/A Secondary Charge: N/A	
Coroner Case? [X]	Coroner Case #: 2011-00193 Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [X]	Apprehended? [ ] Mental Illness? [ ]	Criminal History? [redacted]
Vehicle Make: Daewoo (CA License #[redacted]	Model: 4-Door	Year: 1999

S __

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.
Sex: Race:	Street Address: City	State & Zip Code:
Work Phone:	Home Phone: Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight: FBI #	CII #
Booking #	Primary Charge: Secondary Charge:	
Coroner Case? [ ]	Coroner Case # Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [ ]	Apprehended? [ ] Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make	Model:	Year:

S __

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.
Sex: Race:	Street Address: City	State & Zip Code:
Work Phone:	Home Phone: Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight: FBI #	CII #
Booking #	Primary Charge: Secondary Charge:	
Coroner Case? [ ]	Coroner Case # Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [ ]	Apprehended? [ ] Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make	Model:	Year:

S __

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.
Sex: Race:	Street Address: City	State & Zip Code:
Work Phone:	Home Phone: Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight: FBI #	CII #
Booking #	Primary Charge: Secondary Charge:	
Coroner Case? [ ]	Coroner Case # Intoxication/Drug Usage? [ ]	Substance Used:
Armed? [ ]	Apprehended? [ ] Mental Illness? [ ]	Criminal History? [ ]
Vehicle Make	Model:	Year:

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES

Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]		[redacted]	[redacted]	[redacted]	[redacted]

INVESTIGATIVE SUMMARY
DEPUTY INVOLVED SHOOTING: HIT
SH# 2280365
URN 011-00402-2199-013

DATE / TIME / LOCATIONS

Saturday, January 8, 2011
0047 hours
8000 Block Wadsworth Avenue, Los Angeles

On Saturday, January 8, 2011, at approximately 0047 hours, Sergeant Gallegos (driver) and Sergeant Parga (passenger), working Unit 212S in a marked black and white Sheriff's Tahoe, were driving north on Central Avenue approaching 82nd Street, when they heard gunshots coming from the west of Central Avenue. They looked west on 82nd Street and saw a male black running west down the street.

Sergeants Gallegos and Parga drove west on 82nd Street and saw Suspect Abernathy get into the passenger side of a white compact car. The car drove west on 82nd Street followed by Sergeants Gallegos and Parga. As the white compact car turned north onto Wadsworth Avenue and approached 81st Street, Sergeants Gallegos and Parga activated their overhead emergency lights to conduct a traffic stop on the vehicle and its occupants.

The white compact vehicle continued to travel north on Wadsworth Avenue past 81st Street where it slowed to a stop, and Suspect Abernathy exited the passenger side of the vehicle holding a large silver type handgun in his right hand. Suspect Abernathy ran east into an east/west alley, and the white compact vehicle accelerated north on Wadsworth Avenue and out of view.

Sergeant Parga exited the Tahoe and ran to the entrance of the alley, taking cover at the corner of the alley along a brick wall. Sergeant Gallegos decided not to pursue the white compact vehicle and drove their Tahoe to the entrance of the alley, shining the Tahoe's headlights down the alley toward the suspect.

As Sergeant Gallegos turned into the alley, he saw there was an approximate eight foot locked wrought iron fence across the alley. Suspect Abernathy ran to the locked fence. Suspect Abernathy turned to his right toward Sergeant Parga, and pointed the handgun in his direction. Fearing for his safety, Sergeant Parga fired three rounds at the suspect, striking him. The suspect fell to the ground.

Suspect Abernathy sustained a gunshot wound to the right side of his head, and was pronounced dead at the scene.

IAB Note: Homicide Bureau's complete case book is included in this

case book (See Exhibit A).

Internal Affairs Bureau Lieutenant Stefanie Fredericks was notified, and Sergeants John Rossi and Scott Graham responded to the Incident Command Post. The following review is based on written documentation, interviews of witnesses, involved deputies, and medical staff.

IAB Note: **Lieutenant Fredericks checked to see that the watch commander, Lieutenant Clay, took reasonable steps to ensure that the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, and that the involved and witness personnel did not collectively consult with their attorney or representative. In addition, Lieutenant Fredericks checked to see if the watch commander attempted to have involved and witness personnel gather in the company of a supervisor until they have provided a statement to the assigned investigators.**

IAB SHOOTING / FORCE TEAM

Lieutenant Stefanie Fredericks, Sergeant John Rossi, and Sergeant Scott Graham.

INVOLVED PERSONNEL

Parga, Carlos, Sergeant #[redacted] MH/[redacted] 6-00 228 Right Handed
Patrol - Century Station
Region II

Date of Employment: 07-29-1988
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Shooting Incidents: 4
Prior Founded Force Incidents: [redacted]

SUSPECT

Abernathy, Derrick MB/20 5-07 155

The Consolidated Criminal History System revealed Suspect Abernathy had been [redacted]

[redacted]

[redacted] It was also determined Suspect Abernathy was a member of the "Rollin' 40's" Gang, and used the moniker "Toot."

IAB Note: **Suspect Abernathy's Criminal History Report is included in this case book (See Exhibit A, Pages 36 through 46).**

EMPLOYEE WITNESSES

Gallegos, Clarence, Sergeant #[redacted]

NON-EMPLOYEE WITNESSES

[redacted] FB[redacted]

[redacted] MB[redacted]

INJURIES

Suspect

Suspect Abernathy sustained a single gunshot wound to the right side of his head. He was pronounced dead at the scene.

IAB Note: **The Los Angeles County Coroner's Autopsy Report is included in this case book (See Exhibit A, Pages 92 through 113).**

Deputy Personnel:

No department personnel were injured.

PHYSICAL EVIDENCE

Three expended bullet casings and one bullet fragment were found at the scene. Two bullet impacts were found on the wrought iron fence and documented. The suspect's handgun was also retrieved at the scene.

IAB Note: **For a complete listing of physical evidence collected at the scene (See Exhibit A, Pages 31 through 33, and Exhibit A, Page 48).**

DISTANCE

Approximately 36 feet.

INVESTIGATOR OBSERVATIONS

The crime scene consisted of an alley extending east off of the 8000 block of Wadsworth Avenue, in a residential area.

Investigators observed a black and white Sheriff's Patrol Tahoe at the mouth of the alley, east of Wadsworth Avenue. Investigators also noted that the deceased suspect was lying in the alley, next to the wrought iron fence, approximately 50 feet east of Wadsworth Avenue.

> **IAB Note: Photographs of the scene are included in this case book (See Exhibit B). A sketch of the scene is also included (See Exhibit A, Page 49).**

REVIEW OF RADIO TRANSMISSIONS

The Internal Affairs Bureau Investigator reviewed the radio transmissions associated with the incident. The Working Channel was the only channel utilized immediately after the shooting, and no tactical channel was needed at the discretion of Sergeants Gallegos and Parga.

Sergeant Gallegos can be heard requesting the patch and advised of a "998" (Deputy Involved Shooting) at the location. After requesting additional units and fire to respond, he advised there were no outstanding suspects, and requested a unit to respond to the area of the motorcycle club (Central Avenue and 82nd Street), where the initial gunshots were heard, to determine if there were any victims of an assault with a deadly weapon caused by the suspect.

Sergeant Gallegos advised there was no need for a containment, and indicated the location would be a crime scene only.

Several deputies can be heard over the radio acknowledging the backup request, and responded to the scene.

> **IAB Note: A Compact Disc containing the recording of the Working Channel is included in this case book.**

LIGHTING AND WEATHER CONDITIONS

It was dark outside when the incident occurred (0047 hours). However, there were several street lights on Wadsworth Avenue which provided ambient lighting.

WEAPONS USED BY DEPUTY PERSONNEL

Sergeant Parga:

Service Weapon Type:	Beretta 9mm Semi-Automatic
Rounds Fired:	Three
Type of Ammunition Used:	Department Issued Winchester 9MM Luger
Date Employee Last Qualified:	[redacted]

IAB Note: **An examination of Sergeant Parga's firearm during his interview with Homicide detectives indicated he had shot a total of three rounds. Three, 9MM, casings were recovered at the scene (See Exhibit A, Page 52).**

WEAPONS USED BY SUSPECT

The suspect's firearm was recovered at the scene. The firearm is a "Colt's MK IV," Semiautomatic pistol, 45 Caliber, Serial Number [redacted] The weapon was recovered with the slide locked to the rear, chamber empty, and one magazine seated in the magazine well. One piece of plastic, apparently broken off from the grip of the firearm, was located nearby **(See Exhibit A, Page 53)**.

IAB Note: **Photographs of the Suspect's firearm are included in this case book (See Exhibit C).**

PROPERTY DAMAGE

Two bullet impacts were observed on the wrought iron fence. Based on Sergeant Parga's statements, it is most likely the damage was caused by Sergeant Parga's service weapon and not the suspect's firearm. There was no damage to the Sheriff's Department's Patrol Tahoe, number SD4904.

IAB Note: **Photographs of bullet impacts on wrought iron gate are included in this case book (See Exhibit D).**

CRIMINAL INVESTIGATOR/CHARGES FILED

Investigators: Homicide Bureau - Detectives Ralph Hernandez #[redacted] and Kevin Lowe #[redacted]

Charges: No charges filed. Suspect deceased.

INVOLVED EMPLOYEE STATEMENTS

Involved Sergeant Carlos Parga was interviewed by **Homicide Bureau** Detectives Ralph Hernandez and Kevin Lowe on January 8, 2011, at 0535 hours. The interview was conducted at the Century Station, and was audio recorded.

Sergeant Parga said he and Sergeant Gallegos were stopped at a red traffic signal traveling northbound on Central Avenue in a marked black and white Sheriff's Tahoe. Sergeant Parga was the passenger in the Sheriff's Tahoe in his Class-A uniform. He said when the traffic signal turned green, they approached a motorcycle club (West side of Central Avenue and 82nd Street) and heard a volley of approximately six gunshots. He said they continued northbound and as they approached 82nd Street, they saw people scattering on both sides of the street.

Sergeant Parga said he saw a white compact car, at a distance, blacked out (no lights on) facing West on 82nd Street. He said they turned westbound onto 82nd Street from Central Avenue, and briefly looked to see if anyone had been shot. He said it did not appear that anyone had been shot.

Sergeant Parga said they continued westbound on 82nd Street toward Wadsworth Avenue. He said as they were traveling westbound, they saw a male black (suspect) appear to get into the white compact car by way of the rear, passenger side door. He said the white compact car went westbound on 82nd Street to northbound Wadsworth Avenue.

Sergeant Parga said they lost sight of the white compact car momentarily as they tried to catch up to the car. He said they caught up to the car, which was still blacked out, at 81st Street and Wadsworth Avenue. He said at that point, they believed the car was involved in the Assault with a Deadly Weapon crime (shooting) at the motorcycle club. He said they "lit the car up" (activated their emergency overhead lights - full rotators) at 81st Street and Wadsworth Avenue.

Sergeant Parga said the car continued a short distance north of 81st Street on Wadsworth Avenue, when the car stopped at the mouth of an alley.

IAB Note: The distance from the intersection of Central Avenue and 82nd Street to the intersection of 82nd Street and Wadsworth Avenue is approximately 600 feet. The distance from the intersection of 82nd Street and Wadsworth Avenue to the intersection of 81st Street and Wadsworth Avenue is approximately 300 feet. The distance from the intersection of 81st Street and Wadsworth avenue to the opening of the alley off of Wadsworth Avenue is approximately 140 feet.

Sergeant Parga said the suspect exited the car by way of the rear door with a silver colored gun in his right hand. He said the suspect turned toward his right and pointed the gun at them, as he (Sergeant Parga) was still in the Tahoe directly behind the white compact car.

Sergeant Parga said the suspect continued running eastbound in the alley, with the gun in his right hand, toward a ten foot metal fence that was secured preventing access into

the alley. He said as the suspect ran eastbound through the alley, he (Sergeant Parga) took cover at the corner of a retaining wall on the south end of the alley to keep an eye on the suspect. He said as the suspect was running, he never dropped the gun.

Sergeant Parga said the suspect reached the metal fence, looked over his right shoulder, and started to raise the gun as he turned to his right toward him. Fearing for his partner's life, and himself, Sergeant Parga said he fired three to four rounds from his duty weapon (Beretta 92 FS, Serial # BER[redacted] He said after he shot at the suspect, the suspect turned back toward the fence and Sergeant Parga said he stopped shooting. He said the suspect fell to the ground.

Sergeant Parga said the incident was "Hairy," and felt the suspect was going to shoot it out with them, especially once the suspect reached the fence and could not go anywhere.

Sergeant Parga said he utilized bolt cutters to open the metal fence after the incident.

During the interview, Homicide Investigators determined Sergeant Parga fired three rounds at the suspect since he had 13 out of 16 rounds left in his duty weapon. The other ammo magazines in Sergeant Parga's possession had 15 rounds in each magazine.

> **IAB Note: The Homicide Bureau detectives summarized their interview with Sergeant Parga in a Supplemental Report included in this case book (See Exhibit A, Pages 11 through 12). A Compact Disc, containing the audio recording of Sergeant Parga's interview, is also included in this case book.**

Involved Sergeant Carlos Parga was interviewed by **Internal Affairs Bureau** Sergeants John Rossi and Eric Strong on July 11, 2011, at approximately 1006 hours. The interview was conducted at South Los Angeles Station in the Detective Bureau Interview Room, and was audio recorded.

Sergeant Parga said he has been with the Sheriff's Department for 23 years, and he is currently assigned as a Detective Sergeant for Narcotics Bureau. Sergeant Parga said he was a field sergeant at Century Station working early mornings at the time of this incident, and he had been at Century Station for approximately 17 months. Sergeant Parga has three years of experience with the Department's Special Enforcement Team (SEB) and he has had extensive [redacted]

At the beginning of the interview, Sergeant Parga was given the opportunity to change, modify, or add to any portion of his statement he made to homicide investigators the day of the incident since several months had passed and he has had time to reflect on the incident. Sergeant Parga chose not to make any changes to his prior statement.

IAB investigators briefly went through Sergeant Parga's statement given to homicide detectives to confirm its accuracy and to provide clarity in certain areas, along with providing additional information in the area of tactics and training.

Sergeant Parga said after he heard approximately six gunshots near the "Defiant Ones" motorcycle club, he saw people scattering on both sides of 82nd Street. Sergeant Parga said no radio traffic was put out after hearing the gunshots because he and his partner were trying to ascertain if there were any victims, assess what was happening, and indicated it was not unusual to hear gunshots in the patrol area. Sergeant Parga said the suspect got into a blacked out car that was stopped in the middle of the street near Wadsworth Avenue. He said the car stopped in the middle of the street, blacked out, is what caught his attention.

Sergeant Parga believes Sergeant Gallegos was the one who activated the emergency lights on the Sheriff's Tahoe. He estimated the car stopped approximately 50 to 100 feet, or approximately one-quarter of a block, after the emergency lights were activated. He felt that was a reasonable distance for the car to stop.

After the suspect exited the white car, Sergeant Parga said the suspect ran eastbound from the car, looked over his right shoulder, and intentionally pointed the gun at them. He said the incident happened so quick that he was unable to get on the radio because he was focused on the threat.

Once the suspect had reached the locked gate in the alley and looked over his right shoulder, Sergeant Parga said, he believed the suspect was trying to ascertain where he (Sergeant Parga) was. Sergeant Parga said that is why he moved. Sergeant Parga indicated his training kicked in and determined this to be a tactical advantage for him. Sergeant Parga estimated the incident took three to five seconds once the suspect exited the car and the shooting occurred.

Sergeant Parga said he feared for his safety because the suspect pointed a gun towards him, and he believed the suspect was going to shoot him. Sergeant Parga could not remember how he fired his rounds. When asked if he utilized his sights, or pointed and shot at the suspect, he said he believes he pointed and shot.

Sergeant Parga believed there was ample street lighting, and does not remember if the Tahoe had pulled into the alley with its headlights on at that point. Sergeant Parga said he could clearly see the suspect prior to the shooting. Sergeant Parga said he did have a tactical light on his duty weapon, but does not remember if the tactical light was utilized during the shooting. Sergeant Parga said he did have a handheld flashlight with him, but did not use it.

Sergeant Parga said he knew his backdrop was a retaining wall in an alley. Sergeant Parga said there was nothing between him and the suspect prior to the shooting.

Sergeant Parga said the suspect could have prevented the shooting, if he (suspect) had dropped the gun and raised his hands. Sergeant Parga does not remember if he gave any commands to the suspect prior to the shooting because the incident happened so quick. Sergeant Parga did not believe he had any other force options available to him other than shooting the suspect, and believes the suspect's actions dictated his (Sergeant Parga's) actions.

Sergeant Parga does not know how the suspect's gun got approximately 36 feet away from the wrought iron fence as indicated on the crime scene sketch, and did not see the suspect throw or discard the gun. Sergeant Parga said no one moved the suspect's gun prior to homicide investigators arriving and taking control of the crime scene.

Sergeant Parga said they did debrief the incident. The issue of radio traffic came up while they were still in the Sheriff's Tahoe; however, Sergeant Parga said the incident happened so quickly and they did not anticipate the suspect exiting the car. He said they were anticipating having to go in pursuit of the car, and then would have put out radio traffic.

IAB Note: During his interview, Sergeant Parga was shown a sketch of the crime scene. This sketch is included in this case book (See Exhibit A, Page 49).

For Sergeant Parga's complete statements, refer to his verbatim homicide interview and IAB interview transcripts.

EMPLOYEE WITNESSES

Sergeant Clarence Gallegos was interviewed by **Homicide Bureau** Detectives Ralph Hernandez and Kevin Lowe on January 8, 2011, at 0617 hours. The interview was conducted at the Century Station, and was audio recorded.

Sergeant Gallegos said he was an "extra sergeant," so he partnered up with Sergeant Parga and they were a two man sergeant unit. He said approximately 45 minutes after midnight, they were northbound around 83rd Street and Central Avenue stopped at a red traffic signal. He said on the west side of the street at approximately 82nd Street and Central Avenue, there is a motorcycle club called the "Defiant Ones" which appeared to be having some type of party. They saw a lot of people and motorcycles there.

Sergeant Gallegos said as they were waiting for the red traffic signal to change, they heard approximately six to seven gunshots coming from the area of 82nd Street, possibly in the alley behind the motorcycle club. He said people started to move about, so obviously something had happened.

Sergeant Gallegos said they went through the intersection and ended up at 82nd Street and Central Avenue. He looked down 82nd Street near Wadsworth Avenue, and saw a small

white four door car blacked out (no lights on). As they drove down the street, he saw a male black (suspect) running and get into the rear, passenger side of the small white car. He said the small white vehicle drove westbound on 82nd Street and made a northbound turn onto Wadsworth Avenue.

Sergeant Gallegos said at that time, with the shots having been fired, he did not know if the small white car was involved in the shooting, if there were victims, or perhaps they were trying to get away from the location because of the gunfire.

Sergeant Gallegos said they went down 82nd Street and turned northbound on Wadsworth Avenue and saw the vehicle, still blacked out, stopped ahead of them at the stop sign at 81st Street and Wadsworth Avenue. He said once they got closer to the vehicle, the vehicle started to go northbound through the intersection and he activated the emergency overhead lights (full rotators) on the Sheriff's Tahoe. He said the vehicle continued approximately the distance of two houses from the intersection and stopped. He said the rear, passenger side door opened and the same person they saw get into the vehicle (on 82nd Street) exited the vehicle with a large caliber handgun in his right hand and pointed it at them. The suspect ran eastbound into an alley, parallel to or just past where the vehicle had stopped.

Sergeant Gallegos said Sergeant Parga opened his door and got out of the Sheriff's Tahoe. He said Sergeant Parga went approximately 15 to 20 feet to Sergeant Gallegos' right and took a position at a wall at the mouth of the alley. Sergeant Gallegos said he could not see down the alley from where the Sheriff's Tahoe was stopped.

Sergeant Gallegos said the (suspect's) vehicle left northbound on Wadsworth Avenue, and he turned the Sheriff's Tahoe into the mouth of the alley. At that time, he saw the suspect who had exited the small white vehicle with the gun, reach a locked gate approximately seven to eight feet high, and the suspect was unable to go any further. Sergeant Gallegos could see Sergeant Parga to his right. He saw the suspect turn to his right, with the gun still in his hand, and point it in their direction.

Sergeant Gallegos said he heard Sergeant Parga fire his weapon, and the suspect immediately turned toward the suspect's left. He said he got out of the Sheriff's Tahoe. The suspect had fallen to the ground, and Sergeant Parga had stopped firing. Sergeant Gallegos said they approached the suspect, saw the suspect was down, and he put out radio traffic to get assisting units to respond.

Sergeant Gallegos said he does not remember any words being exchanged between them and the suspect.

Sergeant Gallegos was asked about the lighting in the alley. He said he could not tell us what the lighting was like prior to turning into the alley; however, the Sheriff's Tahoe headlights were on and he could clearly see the suspect from the Tahoe.

Sergeant Gallegos said they looked for the weapon and they saw the gun was several feet down the alley, east of the suspect. He said the suspect apparently threw the gun through the fence because he did not see the suspect throw the gun overhand, and he initially thought the gun was at the suspect's feet.

Sergeant Gallegos said assisting units showed up and they setup the crime scene. He said they were taken to the station later.

IAB Note: **Witness Gallegos' interview was summarized by Homicide Bureau investigators (See Exhibit A, Pages 17 through 19). A Compact Disc containing a recording of Witness Gallegos' interview is included in this case book.**

Sergeant Clarence Gallegos was interviewed by **Internal Affairs Bureau** Sergeants John Rossi and Scott Graham on August 10, 2011, at approximately 1025 hours. The interview was conducted in a conference room at STARS Center, Room C-111. The interview was audio recorded.

Sergeant Gallegos said he has been with the Sheriff's Department for approximately 25 years. [redacted] and returned to Major Crimes Bureau (current assignment). Sergeant Gallegos has had extensive [redacted]

At the beginning of the interview, Sergeant Gallegos was given the opportunity to change, modify, or add to any portion of his statement he made to homicide investigators the day of the incident since several months had passed and he has had time to reflect on the incident. Sergeant Gallegos initially said during his Homicide interview that the suspect got out of the white car and ran westbound into the alley. He wanted to correct this error and said the suspect ran eastbound, not westbound, into the alley.

IAB Note: **During his homicide interview, Sergeant Gallegos did initially mention the suspect ran westbound into the alley, but as the incident was discussed further with homicide detectives, Sergeant Gallegos mentioned the suspect ran eastbound into the alley.**

Sergeant Gallegos also mentioned he did not remember the car containing the suspect being blacked out (lights off), and thought he remembered seeing the car's lit taillights when it was on 82nd Street and stopped at the stop sign on Wadsworth Avenue and 81st Street. He added it had been several months since the incident and was not completely sure of this detail.

IAB investigators briefly went through Sergeant Gallegos' statement given to homicide detectives to confirm its accuracy and to provide clarity in certain areas, along with providing additional information in the area of tactics and training.

After hearing the gunshots, Sergeant Gallegos said he turned onto 82nd Street from Central Avenue. He was near the alley behind the motorcycle club, and saw the white car (later identified as the car containing the suspect) stopped on 82nd Street, near Wadsworth Avenue, in it's lane and not parked against the curb. Sergeant Gallegos estimated that he was approximately seven or eight houses away from the suspect 's car at this point.

Sergeant Gallegos said there were approximately 100 people around the motorcycle club moving around. He saw a male black (later identified as the suspect) come from the sidewalk, get into the white car from the rear, passenger door, and the car drove away. He said that is what peaked their interest.

Sergeant Gallegos said it was unclear if the car was leaving because there were shots fired and they were scared, if they were victims and trying to get someone to the hospital, or if the male black was a suspect. He said the white car went westbound on 82nd Street, stopped at the intersection, and turned northbound onto Wadsworth Avenue. Sergeant Gallegos said the white car did not speed away, which made it less obvious that the suspect (involved with the gunshot they heard) was in the white car.

Sergeant Gallegos estimated the white car was going 20 to 25 miles per hour as it drove away, and he was going approximately 30 to 40 miles per hour westbound on 82nd Street, in an effort to close the distance and get a better view inside the white car.

Sergeant Gallegos said the white car stopped at the stop sign at the corner of Wadsworth Avenue and 81st Street. He could not remember if the white car was blacked out, and definitely saw lit brake lights on the white car. Sergeant Gallegos estimated he was going approximately 30 to 35 miles per hour, and he was able to catch up to the white car because it stopped at the stop sign.

Sergeant Gallegos said he was approximately three car lengths from the white car as it continued northbound on Wadsworth Avenue, from 81st Street, when he activated the overhead emergency lights on the Sheriff's Tahoe. He said the white car did not speed up, traveled approximately 140 feet and stopped in it's lane. Sergeant Gallegos said this was a reasonable distance for the white car to stop, it did not try to evade him, and he was not in pursuit. He said the white car's rear, passenger door was in line with the alley where the (deputy involved) shooting occurred, and he stopped approximately one car length behind the white car.

Sergeant Gallegos said he did not put out any radio traffic about the shots fired in the area of the motorcycle club, or a "Code-9," because they were still investigating as to what the shooting was. He added they did not see anyone hurt, had not seen a gun up to this point, and they did not know what was going on. He said the white car peaked their interested,

and they decided to stop it to see if the occupants could provide further information as to what had happened for a broadcast to the other Sheriff's units. Sergeant Gallegos said they could have put out shots fired over the radio, but did not feel there was enough information for the deputies to work it since they were still trying to figure out what was going on.

Sergeant Gallegos said as the suspect got out of the white car, he stepped out with his left leg first, causing the suspect to look directly at them in the Sheriff's Tahoe. He said the suspect had a gun in his right hand, pointed it in their direction, and ran eastbound into the alley.

Sergeant Gallegos said Sergeant Parga was to his right and took cover at a brick wall on the corner of the alley to keep an eye on the suspect. He said the white car did not immediately drive away, which had been his experience in the past, so he was focused on the white car. As soon as the white car drove away, Sergeant Gallegos let it go because he was now concerned with the suspect who ran down the alley with a gun.

Sergeant Gallegos said he did not put out radio traffic regarding the white car because he was concerned about the suspect with the gun, and everything was happening very quickly. He said he did not have any detailed information about the white car, such as the license plate, or make and model of the car, and had other concerns, such as his partner and the suspect with the gun.

Sergeant Gallegos was told that a homicide investigator spoke with the driver of the white car the day after the shooting. The driver told the investigator after she drove away from the alley, she had to pull over because she had a flat tire. Sergeant Gallegos said he did not notice whether or not the white car had a flat tire when it drove away from the alley.

Sergeant Gallegos said the headlights of the Sheriff's Tahoe were on when he turned into the alley. He said the takedown light on the Tahoe was not on, and did not believe the spotlights were on. Sergeant Gallegos said the headlights of the Tahoe lit up the suspect, and the suspect was clearly visible to him. Sergeant Gallegos believed he and Sergeant Parga now had a tactical advantage on the suspect because of the distance between he and Sergeant Parga, and it would have been difficult for the suspect to commit his attention to both of them.

Sergeant Gallegos said he did not know what the suspect was going to do when the suspect reached the wrought iron fence, turned to his right toward Sergeant Parga, and pointed the gun at Sergeant Parga. He said he knew the suspect was trapped and there was a great possibility that the suspect was going to shoot it out with them. Sergeant Gallegos did not remember any commands given by him or Sergeant Parga to the suspect prior to the shooting.

Sergeant Gallegos said he was still in the Sheriff's Tahoe when he saw the suspect turn toward Sergeant Parga. He heard the gunshots as he was stopping the Sheriff's Tahoe

in the alley, and the suspect was falling to the ground as he was getting out of the Tahoe. Sergeant Gallegos said he did not fire his weapon because the suspect was down and he was no longer a threat.

Sergeant Gallegos had an opportunity to review the radio traffic put out over the Working Channel/Patch. He indicated he put out all the radio traffic about this incident, such as the "998," request for fire to respond, that there were no outstanding suspects, and directed some units to the motorcycle club to ascertain if there were any victims. Sergeant Gallegos said his two main priorities were medical assistance for the suspect, and whether or not there were any victims at the motorcycle club from the initial gunshots they heard.

Sergeant Gallegos does not know how the suspect's gun got into the alley, east of the suspect, and initially believed the gun would be by the suspect's feet. He did not see the suspect throw the gun over the wrought iron fence, and believes the suspect threw the gun through the wrought iron fence with a underhand motion.

For Sergeant Gallegos' complete statements, refer to his verbatim homicide interview and IAB interview transcripts.

CIVILIAN WITNESSES

The residential neighborhood near the shooting scene was canvassed for any potential witnesses. The area was canvassed by Century Station Deputies, and Homicide Bureau Detectives. The names of the residents contacted, and a summary of their statements are documented on Supplemental Reports, included in the Homicide case book **(See Exhibit A)**.

Witness [redacted] was interviewed by **Homicide Bureau** Detective Kevin Lowe on January 9, 2011, at approximately 1425 Hours. The interview was audio recorded. Witness McDonald was the driver of the white compact car the suspect exited from prior to the shooting.

Witness [redacted] said on the night of the incident, she went to the motorcycle club with the suspect and an unknown black male. Witness [redacted] said she walked out of the club prior to the suspect and the unknown male, and waited in the car. Witness [redacted] said the suspect walked up to the front passenger side door, when she heard yelling from the alley behind the motorcycle club. Witness [redacted] heard gunfire coming from the alley and her car being struck by gunfire. Witness [redacted] said the suspect returned gunfire, got into the car by way of the front, passenger side door, and they drove away heading west.

Witness [redacted] said she and the suspect realized the unknown male was not in the car, so she stopped and the unknown male got into the car by way of the rear, passenger side door. Witness [redacted] said she turned right onto Wadsworth or McKinley Avenue, as

they were being followed by another vehicle. She realized this was a police vehicle when the red overhead lights were activated.

Witness [redacted] said the suspect told her to stop at the mouth of the alley and he exited the car. She said the police vehicle stopped behind her, and she continued to drive away. Witness [redacted] said the police vehicle pulled into the alley as she drove away.

Witness [redacted] turned down several streets and the unknown male in the backseat told her to stop so he could get out of the car. She realized she was driving on a left rear flat tire, parked the car, and walked home.

Witness [redacted] said she heard later in the day the suspect had been shot and killed by deputies. She recovered her vehicle, drove it home, then reported the incident to the Sheriff's Department.

Witness [redacted] showed Detective Lowe two bullet strikes on the driver's side of her car, and a flat tire in the trunk of her car. She also provided Detective Lowe with a bullet that she had recovered from the trunk of the car.

IAB Note: Witness [redacted] interview was summarized by Homicide Bureau Investigators (See Exhibit A, Pages 17 through 19). A Compact Disc containing a recording of Witness [redacted] interview is included in this case book.

Witness [redacted] was interviewed by **Homicide Bureau** Detectives Ralph Hernandez and Kevin Lowe on January 8, 2011, at approximately 0430 Hours. The interview was audio recorded.

Witness [redacted] said he was coming out of the club (Defiant Ones Motorcycle Club) when he saw two males (later identified as Suspect Abernathy and his friend) walking toward a white Toyota Corolla. He said as the suspect and his friend reached the back of this car, some other guys in the alley asked the suspect and his friend where they were from. The suspect and his friend told the other guys they were from "Westside 40 Crips" and began firing a gun toward the others guys in the alley.

Witness [redacted] said he hid behind a van and when he looked up, he saw the suspect and his friend get into the Toyota Carolla from the passenger side, and the car drove westbound on 82nd Street. Witness [redacted] said he saw the Sheriff's Tahoe drive westbound on 82nd Street apparently after the suspect's car.

IAB Note: Witness [redacted] interview was summarized by Homicide Bureau Investigators (See Exhibit A, Pages 13 through 14). A Compact Disc containing a recording of Witness [redacted]

interview is included in this case book.